

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

SHEPARD WATSON §
VS. § CIVIL ACTION NO. 1:11cv89
J. WARD, ET AL §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Shepard Watson, an inmate confined in the Duncan Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against J. Ward and C. Frayer. The defendants are employed at the Ramsey I Unit.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, et. seq., under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

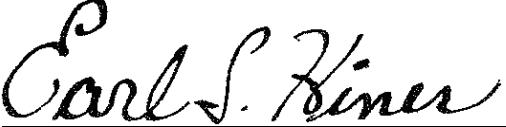
When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

Plaintiff's claim arose in Brazoria County, where the Ramsey I Unit is located. In addition, the defendants appear to reside in Brazoria County. Pursuant to 28 U.S.C. § 124(b)(1), Brazoria County is located in the Galveston Division of the United States District Court for the Southern District of Texas.

As Brazoria County is located in the Southern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Accordingly, this case should be transferred to the Galveston Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 29 day of June, 2011.


Earl S. Hines
EARL S. HINES
UNITED STATES MAGISTRATE JUDGE